UNITED STATES PATENT AND TRADEMARK OFFICE

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09/816,678	03/22/2001	Lawrence R. Guinta	5078-02500/EBM	5205

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27,30-60,62-101 and 104-145* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27,30-60,62-101 and 104-145* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May

8, 2006 has been entered.

2.   Claims 1, 12, 14, 33, 40, 53, 58, 65, 71, 86, 88, 113, 120 and 144 have been

amended. Claims 1-27, 30-60, 62-101, and 104-145 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 113-143 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 113 recites the limitation "the maximum value." There is insufficient

antecedent basis for this limitation in the claim. Claims 114-143 are rejected as

dependent claims.

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   Claim 71 is rejected under 35 U.S.C. 102(b) as being anticipated by Guinta et al

(USPN 5,737,494).

As per claim 71, Guinta et al disclose a method of using a computer to gather

information about an organizational process or system (column 2, lines 39-40),

comprising: obtaining information about the organization to be accessed, wherein

the information comprises information regarding potential assessors (i.e., assessor

being someone who has knowledge about the organizational process or system,

which inherently indicates that information was obtained regarding the assessor, that

indicated that the assessor indeed had knowledge of the organizational process or

system to be assessed, column 5, lines 62-63); preparing and sending to the

assessor at least one question regarding the organizational process or system by

analyzing the obtained information about the organization (i.e., computer driven

questions adapted to prompt the assessor, column 5, lines 58-60); identifying one or

more assessors from the obtained potential assessor information (i.e., someone who

has at least some knowledge about the organizational process or system, column 5,

lines 62-63); displaying on a display device of the at least one assessor at least one

question (column 5, lines 51-53) adapted to prompt the assessor to input on an input

device of a computer the assessor's perceptions of the organizational process or

system, wherein the assessor has at least some knowledge about the organizational

process or system (column 5, lines 58-63); receiving a first input from an input

device, the first input reflecting the assessor's perception of the organizational

process or system (column 6, lines 1-6); comparing within a processing unit of a

computer the first input to a first value (column 6, lines 7-9), and, if the first input has

a first predetermined characteristic in relation to the first values, then prompting the

assessor to identify evidence that supports the first input (column 6, lines 9-13), and

if the supporting evidence is identified, then validating the first input for subsequent

evaluation (column 6, lines 13-16), and if the supporting evidence is not identified,

then inhibiting validation of the first input until the evidence is identified or until the

first input is changed to have second predetermined characteristics in relation to the

values (column 6, lines 16-21).

Claim Rejections - 35 USC § 103

7.   Claims 1-24, 28-47, 49, 52-57, 61-64, 72, 73, 78-99, 102-112, 144 and 145 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Guinta et al (USPN

5,737,494), in view of Barton et al (US 2002/0059093).

As per claim 1, Guinta et al disclose a method of using a computer to gather

information about an organizational process or system (column 2, lines 39-40),

comprising: receiving general information about an organizational process or system

(i.e., gathering information about an organizational process or system, column 2,

lines 38-40); at least one question is provided within a computer and displayed to

assess each selected standard (i.e., as seen in figure 1, a series of

issues/standards, as seen in table 1, are shown on the assessment screen,

including a question with regards to the issue/standard); the question being adapted

to prompt an assessor to input the assessor's perceptions of the organizational

process or system; receiving a first input from an input device, the first input

reflecting the assessor's perception of the organizational process or system (i.e.,

questions adapted to prompt an assessor to input the assessor's perception, column

5, lines 58-62); comparing within a processing unit of a computer the first input to a

first value, and, if the first input has a first predetermined characteristic in relation to

the first values (column 5, lines 7-9), then prompting the assessor to identify

evidence that supports the first input, and if the supporting evidence is identified,

then validating the first input for subsequent evaluation (column 5, lines 9-16), and if

the supporting evidence is not identified, then inhibiting validation of the first input

until the evidence is identified or until the first input is changed to have second

predetermined characteristics in relation to the first value (column 5, lines 16-21).

Guinta et al does not explicitly disclose prompting an assessor to select at least

two standards against which to assess the organizational process or system,

wherein at least one of the two selected standards is a recognized standard and

wherein the recognized standard is selected based on the general information.

Barton et al disclose interviews 78 conducted with process owners for area of

compliance (¶ 0059), wherein interview 78 is conducted in accordance with a

question owner's matrix 100 (¶ 0062). Question owner's matrix 100 lists compliance

assessment areas 102, which are presented to the assessor as selected standards,

on which the assessment is based, wherein the compliance assessment areas
include equal employment opportunity, antitrust, and ethical business practices (¶
0062, figure 4). Both Guinta et al and Barton et al are concerned with organizational
and compliance assessment with respect to specific issues and risks, therefore it
would have been obvious to one having ordinary skill in the art at the time the
invention was made to include prompting an assessor to select at least two
standards in Guinta et al, as seen in Barton et al, thereby giving the assessor in
Guinta et al more control over the assessment process, rather than being given
questions determined by a computer, thus making the system more robust and
flexible.

As per claim 2, Guinta et al disclose analyzing the input to determine if one or
more problem areas are present in the organizational process or system (i.e., results
may be evaluated to determine problem areas, column 14, lines 52-53).

As per claims 3, 4, 34, and 38, Guinta et al does not disclose displaying remotely
and displaying the at least one question across a global computer network, and
providing at least one onsite assessor with a PDA. Barton et al disclose centralized
database 18 stored remotely from server 12, wherein database 18 is checked out to
PDA. Further, once the data has been modified through the PDA, the data can be
re-checked into database 18 from the PDA (¶ 0049). Both Guinta et al and Barton et
al are concerned with gathering information concerning the performance of an
organization. In addition, a wide area network, such as the internet, provides an
opportunity to quickly and efficiently gather information, particularly where an

organization may have various offices, therefore it would have been obvious to one

having ordinary skill in the art at the time the invention was made to include

displaying the interface remotely and across a network, and including a PDA in

Guinta et al, as seen in Barton et al, as an efficient means of delivering the

information to the assessor in the Guinta et al system.

As per claim 5, Guinta et al disclose the input is a numerical input (column 5, line

58).

As per claim 6, Guinta et al disclose displaying on the display device at least one

corrective action question, the at least one corrective action question being adapted

to prompt the assessor to input on the input device the assessor's perception of the

problem area of the organizational process or system (i.e., a series of statements or

issues shown on the assessment screen, as those depicted in table 1, which

includes corrective and preventable action 4.14, column 15, lines 20-23).

As per claim 7, Guinta et al disclose receiving at least one corrective action input,

the at least one corrective action input being stored in the computer's memory (i.e.,

corrective action assessment stored in memory 110 of computer 100, figure 4).

As per claim 8, Guinta et al disclose displaying questions that are repeated within

the selected standards only once (i.e., issues are presented only once, as seen in

table 1).

As per claim 9, Guinta et al disclose the first predetermined characteristic is

defined to mean that the first input has a value that is less than the first value, and

the second predetermined characteristic is defined to mean that the first input has a

value that is at least as great as the first value (column 6, lines 44-47 and column 7, lines 7-9).

As per claim 10, Guinta et al disclose the first input is on a numerical scale, the scale being 1 to 10, 1 to 100, or 0 to 100 percent (column 6, lines 28-31).

As per claim 11, Guinta et al disclose if evidence is not identified that supports the first input, then further comprising inhibiting the display of subsequent questions until the evidence is identified or until first input is changed to have the second predetermined characteristic in relation to the first value (column 6, lines 16-21).

As per claim 12, Guinta et al disclose prompting the assessor to input a second numerical input on an input device of a computer the assessor's perception of how well the organizational process or system functions to address the issue (column 6, lines 36-37), and receiving the second input from the input device, the second input being stored in a memory of the computer, and the second input reflecting the assessor's perception of the results achieved by the organizational process or system (column 6, lines 37-41).

As per claim 13, Guinta et al disclose comparing within a processing unit of a computer the second input to a second value, and, if the second input has a first predetermined characteristic in relation to the second value, then prompting the assessor to identify evidence that supports the second input (column 6, lines 50-52), and if evidence is identified that supports the second input, then validating the second input for subsequent evaluation (column 6, lines 56-60), and if the evidence is not identified that supports the second input, then inhibiting validation of the

second input until the evidence is identified or until the second input is changed to
have a second predetermined characteristic in relation to the second value (column
6, lines 60-65).

As per claim 14, Guinta et al disclose if evidence is not identified that supports
the second input, then further comprising inhibiting the display of subsequent
questions until the evidence is identified or until second input is changed to have a
third predetermined characteristic in relation to the second value (column 7, lines 1-
6).

As per claim 15, Guinta et al disclose evaluating the organizational process or
system by comparing inputs from the assessor with known empirically-gathered
information (column 3, lines 59-61).

As per claim 16, Guinta et al disclose using the first and second inputs together
to evaluate the organizational process or system (column 8, lines 19-21).

As per claim 17, Guinta et al disclose multiplying the first input with the second
input to evaluate the organizational process or system (column 8, lines 21-25).

As per claim 18, Guinta et al disclose using differences between the first input
and the second input to evaluate the organizational process or system (column 4,
lines 1-3).

As per claim 19, Guinta et al disclose receiving first and second inputs from a
plurality of assessors, and determining the standard deviation of the first numerical
input, and the standard deviation of the second numerical input, from the numerical

inputs received from the assessors, and then using a standard deviation to evaluate

at least a portion of the organizational process or system (column 8, lines 25-29).

As per claim 20, Guinta et al disclose the evidence comprises visible evidence

(column 4, line 13).

As per claim 21, Guinta et al disclose the evidence comprises supporting

documentation (column 4, lines 14-15).

As per claim 22, Guinta et al disclose the evidence comprises visible evidence,

and further comprising comparing within a processing unit of a computer the first

input to second value, and, if the first input has a first predetermined characteristic in

relation to the second value, the prompting the assessor to identify supporting

documentation that supports the first input (column 4, lines 15-22); and if supporting

documentation is identified, then validating the first input for subsequent evaluation

(column 4, lines 22-24), and if the supporting documentation is not identified, then

inhibiting the validation of the first input until the supporting documentation is

identified or until the first input is changed to have a second predetermined

characteristic in relation to the second value (column 4, lines 24-29).

As per claim 23, Guinta et al disclose prompting the assessor to input on the

input device of the computer an assessment as to whether the organizational

process or system is demonstrable (column 4, lines 30-32), and, if an input is

received from the input device that indicates that the organizational process or

system is demonstrable, then validating the first input (column 4, lines 32-35), and, if

an input is received from the input device that indicates that the organizational

process or system is not demonstrable, then inhibiting validation of the first input

until the assessor changes the first input to have a first determined characteristic in

relation to a second value (column 4, lines 35-42).

As per claim 24, Guinta et al disclose displaying at least one input as a sliding

bar on a display device (column 4, lines 43-44).

Claims 28 and 29 are rejected based upon the rejection of claim 1, since they are

machine having a memory claims, corresponding to the method claim.

As per claim 30, Guinta et al disclose prompting an assessor to provided

recommendations to improve the organizational process or system (i.e., on-site

evaluation team to focus on 8 issues below 45% evaluation factor, column 14, lines

55-58).

As per claim 31, Guinta et al disclose prompting an assessor to provided

recommendations to improve the organizational process or system by use of an user

adjustable icon system, wherein selecting a value on a first user adjustable icon

limits the range of values displayed for selection on a second user adjustable icon

(i.e., sliding bar scale, figure 5E).

As per claim 32, Guinta et al disclose performing an onsite assessment directed

to one or more problem areas determined to be present in the organizational

process or system (column 14, lines 51-52).

As per claim 33, Guinta et al disclose performing an onsite assessment directed

to one or more problem areas determined to be present in the organizational

process or system, wherein one or more onsite assessor are provided with a list of the problem areas and a list of the corrective actions input (column 14, lines 55-58).

As per claim 35, Guinta et al disclose the results of the onsite assessment are input into the computer and stored in the computer's memory (figure 4).

As per claim 36, Guinta et al disclose the results provided by each onsite assessor are adjusted by a bias value identified for that assessor (i.e., a plurality of inputs from various assessors are used to calculate one or more standard deviations and compared with each other for evaluation purposes, column 8, lines 25-29).

As per claim 37, Guinta et al disclose analyzing the inputs comprises comparing input from two or more assessors to one another (i.e., 100 different issues assessed by 10 different assessors, with average multiplied evaluation factor of 55%, with only 8 issues below 45%, column 14, lines 51-55).

As per claim 39, Guinta et al disclose comparing input from two or more similar questions to one another (i.e., 100 different issues assessed by 10 different assessors, with average multiplied evaluation factor of 55%, with only 8 issues below 45%, column 14, lines 51-55).

Claims 40-47, 49, and 52 are rejected based upon the rejection of claims 1, 3, 4, 5, 2, 6-8, 38, and 31, respectively, since they are the apparatus claims corresponding to the method claims.

Claims 53-57 and 61-64 are rejected based upon the rejection of claims 1, 3, 4, 5, 2, 2, 6, 7, and 31, respectively, since they are the computer readable medium

(claim 53) and apparatus claims (54-57 and 61-64) corresponding to the method claims.

Claims 72, 73, 91, 108, and 112 are rejected based upon the same rational as the rejection of claims 4, 3, 38, 34, and 38, respectively.

Claims 78-90, 92-99, 102, 103-107, and 109-111 are rejected based upon the same rationale as the rejections of claims 2, 6, 7, 1, 8-16, 17-24, 28-33, and 35-37, respectively.

Claims 144 and 145 are rejected based upon the rejection of claim 1 since they are the system claims corresponding to the method claim.

8.   Claims 25-27, 48, 50, 51, 58-60, 74-77, 100 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guinta et al (USPN 5,737,494), in view of Barton et al, in further view of Mann et al (US 2002/0019765).

As per claims 25-27, neither Guinta et al nor Barton et al disclose preparing an assessment timeline based on assessor input, notifying the assessor of a deadline identified in the assessment timeline, and escalating a notification to one or more predetermined individuals if a response is not received from an assessor within a predetermined period of time. Mann et al disclose an evaluation database 5 to track the progress of an evaluation, including a deadline for completing the evaluation 903 (¶ 0061), and an administrator to track the status of the evaluations (¶ 0063). Guinta et al, Barton et al, and Mann et al are concerned with effective performance evaluation of an organization. Further, tracking the progress of the assessors in

Guinta et al provides an organization with an overall status of the evaluation (as disclosed in Mann et al, ¶ 0063), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include preparing a timeline and notifying the assessor of a deadline in Guinta et al, as seen in Mann et al, thus making the assessment process in Guinta et al more efficient.

Claims 48, 50, and 51 are rejected based upon the rejection of claims 25, 26, and 27, respectively, since they are the apparatus claims corresponding to the method claims.

Claims 58-60 are rejected based upon the rejection of claims 25-27, respectively, since they are the apparatus claims corresponding to the method claims.

As per claims 74-77, neither Guinta et al, nor Barton et al disclose sending at least one warning notification prior to sending the prepared questions, sending at least one reminder notification if answers are not received within a predetermined period of time, sending the at least one prepared question to a different assessor if answers are not received within a predetermined period of time, and sending at least one reminder notification to an assessor's supervisor if answers are not received within a predetermined period of time. Mann et al discloses a to do form 800, wherein information regarding any manager evaluation to be completed is displayed (¶ 0060). In addition, the to do form 800 can be interactive so that the user can launch tasks required to complete the evaluation. Guinta et al, Barton et al, and Mann et al are concerned with effective performance evaluation of an organization. Further, tracking the progress of the assessors in Guinta et al provides an

organization with an overall status of the evaluation (as disclosed in Mann et al, ¶

0063), therefore it would have been obvious to one having ordinary skill in the art at

the time the invention was made to include sending at least one warning notification

prior to sending the prepared questions and sending at least one reminder

notification in Guinta et al, as seen in Mann et al, thus making the assessment

process in Guinta et al more efficient.

Claims 100 and 101 are rejected based upon the same rationale as the rejection

of claims 25 and 26, respectively.

9.   Claims 65, 66, 69, 70, 113, 114, and 118-122 are rejected under 35 U.S.C.

103(a) as being unpatentable over Guinta et al (USPN 5,737,494), in view of Guinta

et al (USPN 6,161,101).

As per claim 65, Guinta et al '494 disclose a displaying a first user adjustable

icon with a first allowed input range (i.e., sliding bar indicating a response to how

well does your process address this issue, figure 5A), receiving a first input from a

user, the first input corresponding to movement of an indicator on the first user

adjustable icon, wherein a maximum value of the first input is greater than zero, (i.e.,

how well does your process address the issue, determined via sliding bar, with a

maximum value of 100%, figure 5E), determining a second allowed input range for a

second user adjustable icon based on the first input (i.e., sliding bar indicating a

response to how well is your process deployed, figure 5E); displaying the second

user adjustable icon, with the second allowed input range (i.e., the second allowed

range being 0-100%, indicates how well a system is deployed, figure 5E), and

receiving a second input from the user, the second input corresponding to

movement of an indicator on the second user adjustable icon (i.e., input determined

via sliding bar, figure 5E).

Guinta et al '494 does not explicitly disclose wherein the second input is equal to

or greater than the maximum value of the first input. Guinta et al '101 discloses

thresholds raised to a level corresponding to an improved state of operation, wherein

the raised thresholds would include a second input that is greater than the first

(column 11, lines 51-56). Both Guinta et al '494 and Guinta et al '101 are concerned

with effective organizational assessment, therefore it would have been obvious to

one having ordinary skill in the art at the time the invention was made to include the

second input is equal to or greater than the maximum value of the first input in

Guinta et al '494, as seen in Guinta et al '101 as an effective means of determining

the necessary corrective action to implement, thus making Guinta et al '494 more

robust and flexible.

As per claim 113, Guinta et al '494 disclose a method of using a computer to

gather information about an organizational process or system (column 2, lines 39-

40), comprising: obtaining information about an organization to be accessed,

wherein the information comprises information regarding assessors (i.e., assessor

being someone who has knowledge about the organizational process or system,

which inherently indicates that information was obtained regarding the assessor, that

indicated that the assessor indeed had knowledge of the organizational process or

system to be assessed, column 5, lines 62-63); preparing at least one question

regarding the organizational process or system by analyzing the obtained

information about the organization (i.e., computer driven questions adapted to

prompt the assessor, column 5, lines 58-60); displaying on a display device a first

user adjustable icon (i.e., sliding bar indicating a response to how well does your

process address this issue, figure 5A) and a second user adjustable icon (i.e., sliding

bar indicating a response to how well is your process deployed, figure 5E); and

wherein the at least one question being adapted to prompt the assessor to input the

assessor's perceptions of the organizational process or system; receiving a first

input from a user, the first input corresponding to movement of the first user

adjustable icon, wherein the first input is greater than zero (i.e., how well does your

process address the issue, determined via sliding bar with a maximum value of

100%, figure 5E); determining a second allowed input range for a second user

adjustable icon based on the first input (i.e., the second allowed range being 0-

100%, indicates how well a system is deployed, figure 5E); receiving a second input

from the user, the second input corresponding to movement of the second user

adjustable icon (i.e., input determined via sliding bar, figure 5E).

Guinta et al '494 does not explicitly disclose wherein the second input is equal to

or greater than the maximum value of the first input. Guinta et al '101 discloses

thresholds raised to a level corresponding to an improved state of operation, wherein

the raised thresholds would include a second input that is greater than the first

(column 11, lines 51-56). Both Guinta et al '494 and Guinta et al '101 are concerned

with effective organizational assessment, therefore it would have been obvious to

one having ordinary skill in the art at the time the invention was made to include the

second input is equal to or greater than the maximum value of the first input in

Guinta et al '494, as seen in Guinta et al '101 as an effective means of determining

the necessary corrective action to implement, thus making Guinta et al '494 more

robust and flexible. As per claim 114, Guinta et al disclose the first user adjustable

icon comprises a sliding bar icon (column 6, lines 30-32).

As per claim 118, Guinta et al disclose the second user adjustable icon

comprises a sliding bar icon (figure 5E).

As per claim 119, Guinta et al disclose the first input corresponds to the users

perception of an aspect of a process or system in a present state (column 6, lines

36-41) .

As per claim 120, Guinta et al disclose the second input corresponds to the users

estimate of an aspect of a process or system in a projected future state.

As per claim 121, Guinta et al disclose setting a minimum allowed value (i.e.,

0%) or the second allowed input range to be equal to the first input.

As per claim 122, Guinta et al disclose setting a maximum allowed value (i.e.,

100%) or the second allowed input range to be equal to the first input.

Claims 66, 69, and 70 are rejected based upon the rejection of claims 114, 115,

and 118, respectively, since they are the apparatus claims corresponding to the

method claims.

10.   Claims 67, 68, 115-117, 123-134 and 138-143 are rejected under 35 U.S.C.

103(a) as being unpatentable over Guinta et al (USPN 5,737,494), in view of Guinta

et al (USPN 6,161,101) as applied to claims 65 and 113, in further view of Barton et

al (US 2002/0059093).

As per claims 67 and 68, Guinta et al '494 does not disclose displaying remotely

and displaying the at least one question across a global computer network. Barton

et al disclose centralized database 18 stored remotely from server 12, wherein

database 18 is checked out to PDA. Further, once the data has been modified

through the PDA, the data can be re-checked into database 18 from the PDA (¶

0049). Both Guinta et al and Barton et al are concerned with gathering information

concerning the performance of an organization. In addition, a wide area network,

such as the internet, provides an opportunity to quickly and efficiently gather

information, particularly where an organization may have various offices, therefore it

would have been obvious to one having ordinary skill in the art at the time the

invention was made to include displaying the interface remotely and across a

network, and including a PDA in Guinta et al, as seen in Barton et al, as an efficient

means of delivering the information to the assessor in the Guinta et al system.

Claims 115-117, 123-134, and 138-143 are rejected based upon the same

rational as the rejection of claims 5, 3, 4, 2, 37, 39, 6, 7, 10, 15, 16, 38, 17-19, 30,

and 32-36, as seen above.

11.   Claims 135-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Guinta et al (USPN 5,737,494), in view of Guinta et al (USPN 6,161,101) as applied

to claims 65 and 113, in further view of Mann et al (US 2002/0019765).

As per claims 135-137, neither Guinta et al nor Barton et al disclose preparing an

assessment timeline based on assessor input, notifying the assessor of a deadline

identified in the assessment timeline, and escalating a notification to one or more

predetermined individuals if a response is not received from an assessor within a

predetermined period of time. Mann et al disclose an evaluation database 5 to track

the progress of an evaluation, including a deadline for completing the evaluation 903

(¶ 0061), and an administrator to track the status of the evaluations (¶ 0063). Guinta

et al, Barton et al, and Mann et al are concerned with effective performance

evaluation of an organization. Further, tracking the progress of the assessors in

Guinta et al provides an organization with an overall status of the evaluation (as

disclosed in Mann et al, ¶ 0063), therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include preparing a

timeline and notifying the assessor of a deadline in Guinta et al, as seen in Mann et

al, thus making the assessment process in Guinta et al more efficient.

Response to Arguments

12.   In the Remarks, with respect to claims 65 and 113, Applicant argues that Guinta

et al does not teach the second input is equal to or greater than the maximum value

of the first input. The Examiner submits Guinta et al (USPN 6161101) discloses

thresholds raised to a level corresponding to an improved state of operation, wherein

the raised thresholds would include a second input that is greater than the first

(column 11, lines 51-56), thus indeed disclosing

With respect to claim 71, Applicant argues that Guinta et al does not teach or

suggest identifying one or more assessors from the obtained potential assessor

information. The Examiner respectfully disagrees and submits that Guinta et al

discloses the assessor being someone who has knowledge about the organizational

process or system. As such, Guinta et al indeed identifies one or more assessors,

i.e., *someone* who has knowledge about the organization. In other words "someone"

who has knowledge is indeed identified by the Guinta et al method.

With respect to claim 1, Applicant argues that neither Guinta et al nor Barton

appear to teach or suggest receiving general information about an organizational

process or system. The Examiner respectfully disagrees and submits that Guinta et

al disclose gathering information about an organizational process or system (column

2, lines 38-40), which is indeed receiving general information about an

organizational process or system. Applicant also argues that neither Guinta et al nor

Barton appear to teach or suggest prompting an assessor to select at least two

standards against which to assess the organization, wherein at least one of the two

selected standards is a recognized standard and wherein the recognized standard is

selected based on the general information. The Examiner respectfully disagrees

and submits that Barton et al disclose Question owner's matrix 100 lists compliance

assessment areas 102, which are presented to the assessor as selected standards,

on which the assessment is based, wherein the compliance assessment areas

include equal employment opportunity, antitrust, and ethical business practices (¶

0062, figure 4). These types (i.e., equal employment opportunity, antitrust, and

ethical business practices) of compliance assessment areas are indeed recognized

standards.

With respect to claims 25-27, Applicant argues that Mann does not appear to

teach or suggest preparing an assessment timeline based on assessor input,

notifying the assessor of a deadline identified in the assessment timeline, and

escalating a notification. The Examiner respectfully disagrees and submits that a

deadline for completing the evaluation 903 (¶ 0061) necessarily includes a timeline

(i.e., by what date does the evaluation need to be completed). Further, an

evaluation status 908 is indeed a notification (¶ 0061), wherein and an administrator

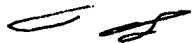to track the status of the evaluations (¶ 0063).

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andre Boyce whose telephone number is (571) 272-

6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-

8300.

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automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

adb
July 21, 2006

André Boyce
Patent Examiner
A.U. 3623